Basic information

2009/2516(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on the return and resettlement of the Guantánamo detention facility inmates **Subject** 6.10.08 Fundamental freedoms, human rights, democracy in general	

Key players

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2921	2009-01-26

Key events

Date	Event	Reference	Summary
26/01/2009	Debate in Council		Summary
03/02/2009	Debate in Parliament		Summary
04/02/2009	Decision by Parliament	T6-0045/2009	Summary
04/02/2009	Results of vote in Parliament		
04/02/2009	End of procedure in Parliament		

Technical information

Procedure reference	2009/2516(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 136-p2
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B6-0066/2009	03/02/2009	
Motion for a resolution		B6-0069/2009	03/02/2009	

Motion for a resolution		B6-0070/2009	03/02/2009	
Text adopted by Parliament, single reading		T6-0045/2009	04/02/2009	Summary

Resolution on the return and resettlement of the Guantánamo detention facility inmates

2009/2516(RSP) - 26/01/2009

Ministers welcomed the decision by US President Barack Obama to close the Guantanamo detention centre within a year. Even if the primary responsibility for closing Guantanamo rests with the United States, Ministers discussed whether there were ways in which they could assist the United States, given the common interests in counter terrorism, human rights and the rule of law.

Ministers acknowledged that this raised a number of political, legal and security issues which need further study and consultation. **The question of whether member states might accept former detainees is a national decision**, but ministers agreed on the desirability of a **common political response** and so decided to explore the possibility of coordinated European action. The Justice and home affairs ministers will have to be involved in the matter.

Ministers will return to this subject when some of the elements have been further clarified.

Resolution on the return and resettlement of the Guantánamo detention facility inmates

2009/2516(RSP) - 04/02/2009 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 3 February 2009, the European Parliament adopted by 542 votes to 55 with 51 abstentions, a resolution on the return and resettlement of the Guantánamo detention facility inmates. The resolution had been tabled for consideration in plenary by the EPP-ED, PES, ALDE, GUE/NGL, UEN, and Greens/ALE, groups. It strongly welcomes the decision by US President Barack Obama to close the detention facility at Guantánamo Bay, as well as other related executive orders, which mark an important change in the policy of the United States towards respect for humanitarian and international law. Parliament encourages the new administration to take further steps in this direction. A list published by the US authorities includes 759 past and present prisoners at Guantánamo, showing that 525 prisoners have been released, while 5 have died in custody, and there are now some 250 inmates at Guantánamo, of whom a number remain in Guantánamo simply because there is no country to which they can safely return - these are men who have never been charged and will not be charged by the United States with any crime.

Parliament recalls that the main responsibility for the whole process of closing the Guantánamo Bay detention facility and for the future of its inmates rests with the United States. It affirms nonetheless that the responsibility for respect for international law and fundamental rights rests with all democratic countries, particularly the Union and its Member States, which together represent a community of values. The United States is invited to ensure that Guantánamo detainees are granted their human rights and fundamental freedoms, on the basis of international and US constitutional law, and:

- that any detainee against whom the United States has sufficient evidence is properly tried without delay in a fair and public hearing by a competent, independent, impartial tribunal and, if convicted, imprisoned in the United States,
- that any detainee who is not to be charged and who chooses voluntarily to be repatriated is returned to his home country as quickly and expeditiously as possible,
- that any detainee who is not to be charged but cannot be repatriated owing to a real risk of torture or persecution in his home country is given the opportunity to be admitted to the United States, offered humanitarian protection on the United States mainland and afforded redress.

Parliament calls on Member States, should the US administration so request, to cooperate in finding solutions, to be prepared to accept Guantánamo inmates in the Union, in order to help reinforce international law, and to provide, as a priority, fair and humane treatment for all. It recalls that Member States have a duty of loyal cooperation to consult each other regarding possible effects on public security throughout the Union.